

AFFIDAVIT OF ROBERT B. FISHER  
IN SUPPORT OF APPLICATION FOR A CRIMINAL COMPLAINT

I, Robert B. Fisher, being duly sworn, depose and state the following:

**Preface**

1. I am a Special Agent of the United States Immigration and Customs Enforcement (“ICE”), Homeland Security Investigations (“HSI”). I am currently assigned to the Office of the Special Agent in Charge Boston, Massachusetts, Document and Benefit Fraud Task Force (“DBFTF”), and have been so employed since August 2009. I am a graduate of the Criminal Investigator Training Program and the ICE Special Agent Training Program at the Federal Law Enforcement Training Center (“FLETC”) in Glynco, Georgia. I have training and experience in the enforcement of the Immigration and Nationality Act laws of the United States and am fully familiar with the statutes applicable to the charge of conspiracy to defraud the United States as it relates to passport misuse, visa fraud, and immigration benefits to include non-immigrant visa applications and the Student and Exchange Visitor Program. I have assisted in prior investigations involving passport misuse and visa fraud for the purpose of obtaining immigration and other benefits. I have also received advanced training in identity and benefit fraud at the FLETC. Prior to becoming an ICE HSI Special Agent, I was employed as an Inspector and Program Manager with the United States Customs Service for nearly seven (7) years. I received a Bachelor’s degree in Criminal Justice from Stonehill College and a Master’s degree in Homeland Security Leadership from the University of Connecticut.

2. Based upon my training and experience, I know that it is a violation of Title 18 of the United States Code, Section 371 for two or more persons to conspire to defraud the United States, here specifically, by conspiring to obstruct the lawful functions of the Department of Homeland Security (“DHS”) to fraudulently obtain F-1 non-immigrant student visas (“F-1 visas”). The conspiracy charged in this complaint involves a foreign national (“Test Taker”),

entering into an agreement to take the Test of English as a Foreign Language (“TOEFL”) exam in the place of another foreign national (“Beneficiary”). The object of the conspiracy is for the Beneficiary to be fraudulently awarded a TOEFL score that meets an American college or university’s minimum entrance requirement, which would facilitate the Beneficiary obtaining an F-1 visa.

3. The following affidavit is furnished to support a criminal complaint against Yue Wang and Shikun Zhang. Based on the facts contained in this affidavit, I believe there is probable cause to believe that the above-named individuals have violated 18 U.S.C. §371.

4. The facts herein are based on my involvement in this investigation, a review of reports written by other law enforcement officers during this investigation, and my conversations with those officers. In submitting this affidavit, I have not included every fact known to me regarding this investigation. Instead, I have included only those facts that I believe are sufficient to establish probable cause.

### **Background**

5. In May 2016, DBFTF opened an investigation regarding possible fraud involving Chinese nationals and college admissions exams occurring in the Boston area. The information was developed from an investigation by the HSI Philadelphia DBFTF and by information from the Educational Testing Service (“ETS”), a nonprofit company that develops, administers, and scores various college admissions tests worldwide, including the TOEFL.

6. The TOEFL exam is an English language test recognized by more than 9,000 colleges, universities, and agencies in more than 130 countries. It is used by the United States government in issuing, extending, or renewing F-1 visas, and as an entrance requirement for colleges and universities.

7. An F-1 visa is issued to international students who are attending an academic

program or English Language Program at a United States college or university. The process is controlled by the DHS's Student and Exchange Visitor Program ("SEVP"), and requires the international student to take the TOEFL exam and use his/her score to apply for admission to a SEVP-certified school. Acceptance at these institutions is dependent on, among other factors, the student achieving the particular school's minimum TOEFL score requirement. If the student is accepted to a school, the student is issued a Form I-20 by the designated school official. The Form I-20 is a multi-purpose document issued by a DHS-approved educational institution certifying that a student has been legitimately admitted to a full-time study program. The student then uses the I-20 form to apply for a student visa from the United States Department of State. Once arriving in the United States, the student presents his/her Form I-20 and student visa to the United States Customs and Border Protection for the purpose of gaining admission to the United States to attend their respective school.

8. As such, an international student's ability to obtain an F-1 visa depends on his/her ability to achieve the minimum TOEFL score for admittance to an American college or university.

9. Based on my training and experience, I know that one method used to obtain such a minimum TOEFL score is for a Beneficiary who cannot achieve a school's minimum TOEFL requirement to hire an imposter Test Taker to take the exam in his/her place.

10. By various means, the Test Taker will be provided access to the Beneficiary's ETS account (necessary to register for exams, check score results, and send out scores to colleges) and identification (typically the Beneficiary's international passport), and present that account information and passport to the ETS official administering the TOEFL exam.

11. When a student arrives for a TOEFL exam, the TOEFL administrator will record what identification a student uses, and in the case of a passport, note the passport number in the

ETS registered account associated with that particular student. Additionally, the person who is physically present for the exam is photographed, and that photograph becomes part of the ETS record. As such, when a Beneficiary has taken a TOEFL exam legitimately on multiple occasions, his/her true likeness may be included on the ETS record associated with one or more exam scores that fail to achieve the minimum TOEFL requirement for the school they currently attend. The Beneficiaries' ETS record will also include an exam score that does meet their school's minimum entrance requirement with a different person depicted for that exam.

12. The Beneficiary agrees to pay the Test Taker or unknown third-parties for the Test Taker to take the TOEFL exam for him/her.

13. Underlying this scheme is the DHS' SEVP's interest in not allowing its F-1 visa program to be exploited by those individuals who have not legitimately earned the right to attend an American college or university, but gained entry into the United States in part, through this fraudulent process.

#### **Investigation**

14. Yue Wang ("Wang") is currently an F-1 non-immigrant student from China attending the Hult International Business School in Cambridge, MA.

15. In the Spring of 2016, Special Agents from DBFTF and Diplomatic Security Service – Boston Field Office received information from the HSI Philadelphia DBFTF and ETS that a person ("YY") intended to impersonate another Chinese national and take an upcoming TOEFL exam in her place in Boston on May 21, 2016. On that day, YY was removed from the testing room while taking the exam by an ETS Investigator on suspicion of being an impostor. YY is also an F-1 non-immigrant student from China attending the Hult International Business School. After being Mirandized by law enforcement, YY agreed to speak with me and another law enforcement officer. While under oath, YY admitted to being a paid Test Taker and was in

possession of a People's Republic of China passport in the identity of ("SWC"). YY stated that her friend and classmate Wang had been contacted by someone in China to take the May 21, 2016 TOEFL exam on the behalf of SWC, but asked YY to take the TOEFL exam for her. YY stated that Wang had paid her \$100 upfront and had promised her another \$800 if she achieved a score of ninety (90) or better on the TOEFL exam.

16. On May 24, 2016, I participated in a consensual interview of Wang at her residence in Malden, MA. After being Mirandized and while under oath, Wang admitted to hiring her friend and classmate YY to take a TOEFL exam in her place under the identity of SWC. Wang also admitted to having been a Test Taker on at least three (3) other occasions but decided against taking the May 21, 2016, exam for SWC because she read in the news about entrance exam Test Takers being arrested. Wang was able to recall taking the TOEFL exam for two women ("LH") and ("XC"). Subsequent research by ETS revealed photos depicting Wang under the 2 above-listed names as well as the name Shikun Zhang ("Zhang") with TOEFL exam dates and valid scores in December 2015 (Zhang), and two occasions in March 2016 (LH and XC).

17. Wang confirmed that she received genuine Chinese passports either through the mail, or on one occasion in person, and used those passports as identification to take TOEFL exams under those respective identities. I then inspected Wang's phone which revealed: i) screenshots of ETS account information for LH and XC; ii) photographs of LH's genuine Chinese passport; and iii) USPS and FedEx receipts detailing packages being sent between Wang and LH. Wang admitted to having been paid nearly \$7,000 for taking these TOEFL exams in place of Zhang, LH, and XC.

18. Zhang is currently an F-1 non-immigrant student from China attending Northeastern University in Boston, MA.

19. On August 31, 2016, I participated in a consensual interview of Zhang at her apartment in Boston. After being Mirandized, Zhang admitted that in 2015, she paid \$3,000 to have someone take the TOEFL exam for her. She explained that using a texting service she contacted an unknown third-party Broker, she believed to reside in China, and was instructed to meet a woman in Boston and provide this person with her genuine Chinese passport, which she admitted doing.

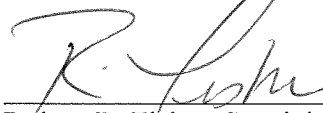
20. My review of Northeastern University's admission standards show that international students who wish to attend Northeastern University must achieve a minimum score of 92 on the TOEFL exam. My review of the ETS records associated with Zhang revealed that on November 2, 2014, December 13, 2014, and December 28, 2014, a person sat for the TOEFL exam and failed to earn a score that met Northeastern's minimum entrance requirement. Further review of Zhang's ETS account revealed that that on December 4, 2015, a person sat for the TOEFL exam and earned a 96, which surpassed Northeastern's minimum entrance requirement.

21. Zhang was then shown these ETS records, which included the photographs of the individual who took the TOEFL exam under her identity on those occasions. Zhang admitted that the woman depicted on the ETS record associated with the November 2, 2014, December 13, 2014, and December 28, 2014 TOEFL exams was her. Zhang further admitted that the woman depicted on the December 4, 2015 TOEFL exam which took place in Boston, MA, whose TOEFL score she used to gain admission to Northeastern University and obtain an F-1 visa, was not her. The ETS records further showed that for the December 4, 2015 TOEFL exam, the person who took the exam under the Zhang identity provided the passport number associated with Zhang's genuine passport.

### **Conclusion**

22. Based on the foregoing, I believe there is probable cause to believe that Yue

Wang and Shikun Zhang, engaged in a conspiracy to obstruct the lawful functions of the DHS in obtaining F-1 visas by entering into an agreement whereby Wang would take the TOEFL exam in the place of Zhang in order for Zhang to be fraudulently awarded a TOEFL score that meets the minimum entrance requirement for an American college or university, which would facilitate Zhang obtaining an F-1 visa in violation of Section 371 of Title 18 of the United States Code.



Robert B. Fisher, Special Agent  
U.S. Immigration and Customs Enforcement  
Homeland Security Investigations

Sworn to before me this 3rd day of May 2017.



Honorable M. Page Kelley  
United States Magistrate Judge

